

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
ROBERT ALLEN CONEY,)
)
Defendant.)
)

4:05CR3001

MEMORANDUM AND ORDER

The pretrial services officer has recommended that the court not approve the defendant's mother as a third-party custodian, because she has a criminal record involving felony drug offenses. Although I have observed the defendant's mother testifying at the hearing on the motion to suppress, and I have no information that she has failed to abide by her conditions of probation, I must agree that her criminal activity--at a time when this defendant was only nine or ten years of age--casts serious doubt on whether she would report the defendant to authorities if he did not follow conditions of release. I shall therefore deny the pending motions.

This defendant has, until the events giving rise to this case, a relatively minor criminal history. Although I do consider him a serious flight risk because of the potential sentence he faces if convicted, I continue to think he is releasable with adequate safeguards. I am open to considering another release proposal with a different third-party custodian or some other supervised living arrangement, together with electronic monitoring and other conditions.

IT THEREFORE HEREBY IS ORDERED,

Defendant's motion and amended motion for release to third party custodian, filings 17 and 52, respectively, are denied.

DATED this 4th day of May, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge